

BEFORE THE DISCIPLINARY COMMISSION FEB 13 2003  
OF THE SUPREME COURT OF ARIZONA

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY MSB/MS

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

Nos. 99-1778, 00-1281

**CRAIG A. DECKER,**  
**Bar No. 010687**

**DISCIPLINARY COMMISSION  
REPORT**

RESPONDENT.

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on February 8, 2003, pursuant to Rule 53(d), Ariz. R. S. Ct., for consideration of the Hearing Officer's Amended Report, filed January 2, 2003, recommending a six (6) month suspension, two (2) years of probation with the Member Assistance Program (MAP), and costs.

**Decision**

The Commission's standard of review is set forth in Rule 53(d)2, which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard.

Therefore, having found no findings of fact clearly erroneous, the nine<sup>1</sup> members of the Commission unanimously recommend adopting and incorporating by reference the Hearing Officer's findings of fact, conclusions of law, but amend the recommendation to

<sup>1</sup> Commissioner Bowman did not participate in these proceedings and an attorney member seat remains vacant. Albert B. Lassen, an attorney and Hearing Officer from Apache County and Patricia A. Orozco, an attorney from Yuma County participated as ad hoc members.

1 reflect a six (6) month and one (1) day suspension, upon reinstatement two (2) years of  
2 probation (MAP), and costs of these disciplinary proceedings. The terms of probation are as  
3 follows:

- 4 1) Respondent shall not commit any ethical violations  
5 during the probationary period.
- 6 2) Respondent shall respond promptly and completely to  
7 any bar inquiries or requests for information.
- 8 3) Respondent shall maintain malpractice insurance.
- 9 4) Respondent shall continue with psychiatric or  
10 psychological treatment as deemed appropriate by his  
11 doctor and after consultation with the director of MAP  
12 or her designee.
- 13 5) Respondent shall, at his expense, enter into a contract  
14 with MAP for a practice monitor. The practice  
15 monitor is to file quarterly reports with the State Bar,  
16 setting forth steps which he or she has taken during the  
17 reporting period and describing: (a) the status of  
18 Respondent's workload; and (b) any deficiencies  
19 observed in Respondent's practice, including by not  
20 limited to, any conduct which would be a violation of  
21 the Rules of Professional Conduct.
- 22 6) In the event Respondent fails to comply with any of  
23 the foregoing terms, and information thereof is  
24 received by the State Bar, bar counsel shall file with  
25 the Hearing Officer a Notice of Non-Compliance. The  
26 Hearing Officer shall conduct a hearing at the earliest  
possible date, but in no event less than thirty (30) days  
following receipt of notice, to determine whether a  
condition of probation has been breached and, if so, to  
recommend an appropriate sanction.
- 7) If there is an allegation that Respondent failed to  
comply with any of the foregoing terms, the burden of  
proof shall be on the State Bar to prove non-  
compliance by a preponderance of the evidence.

1 Upon consideration of this matter, specifically Respondent's prior discipline and  
2 Respondent's non-production of comprehensive medical reports of his condition and  
3 treatment, the Commission determined the purposes of attorney discipline would be better  
4 served if Respondent would be required to provide proof of rehabilitation prior to being  
5 reinstated, pursuant to Rule 71(d).

6 RESPECTFULLY SUBMITTED this 13 day of January 2003.

*Jessica Funkhouser*

8 Jessica G. Funkhouser, Chair  
9 Disciplinary Commission

10 Original filed with the Disciplinary Clerk  
11 this 8 day of January 2003.

12 A copy of the foregoing mailed  
13 this 14<sup>th</sup> day of February 2003.

14 Mark S. Sifferman  
15 Hearing Officer 9J  
3101 North Central Avenue, Suite 690  
Phoenix, AZ 85012-2639

16 Craig A. Decker  
17 Respondent  
18 P.O. Box 2970  
Mesa, AZ 85214-2970

19 A copy of the foregoing hand-delivered  
20 this 14<sup>th</sup> day of February 2003.

21 John A. Furlong  
22 Bar Counsel  
23 State Bar of Arizona  
111 West Monroe, Suite 1800  
Phoenix, AZ 85003-1742

24 By Karen Weigand

25 /kdl  
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